

Attorney Docket No: EVOY002/00US

PATENT

Box Patent Application  
 Commissioner for Patents  
 Washington, D.C. 20231

## UTILITY PATENT APPLICATION TRANSMITTAL

Transmitted herewith for filing is a U.S. Non-Provisional Utility Patent Application entitled METHOD AND APPARATUS FOR RECEIVED UPLINK-SIGNAL BASED ADAPTIVE DOWNLINK DIVERSITY WITHIN A COMMUNICATION SYSTEM

naming as inventors: Louis R. BROTHERS, Jr., John CANGEME, Alexander FLAIG, Samuel J. MACMULLAN, H. Vincent POOR, Tandhoni S. RAO, Stuart C. SCHWARTZ, and Triveni N. UPADHYAY

and including:

- ☒ (20) pages of description (before the claims);
- ☒ (12) pages of claims ((56) total claims; (3) independent claims);
- ☒ One (1) Sheet of Abstract;
- ☒ (7) sheets of drawing(s) including Figures 1-7.

## 1. Also enclosed are:

- ☒ Executed Declaration
- ☒ Application Data Sheet
- ☒ Assignment and Assignment Recordation Cover Sheet
- ☒ Power by Assignee and Statement Under 37 C.F.R. §3.73(b)
- ☒ Assertion of Entitlement to Small Entity Status
- ☐ Information Disclosure Statement; PTO/SB/08; and (22) references
- ☐ Preliminary Amendment
- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- ☐ Nucleotide and/or Amino Acid Sequence Submission
  - ☐ Computer Readable Form (CRF) on 3 1/2" floppy disk
  - ☐ Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ paper
  - ☐ The content of the copy in computer readable form is identical to the content of the paper, CD-ROM, or CD-R copy of the Sequence Listing.
- ☐ Nonpublication Request and Certification
- ☒ Check No. 11475 in the amount of \$734.00 for the total fee as calculated below
- ☒ Return receipt postcard
- ☐ Other:

10978 U.S. PTO  
 09/987722  
 11/15/01

2. ☐ Please amend the specification by inserting before the first heading the following paragraph:

This application claims priority under 35 U.S.C. §§119 and/or 365 to  
 \_\_\_ filed in \_\_\_ on \_\_\_, the entire content of which is hereby incorporated by reference.

A certified copy of the priority application ☐ is enclosed ☐ will follow.

3. ☐ Please amend the specification by inserting before the first heading the following paragraph:

This application claims priority under 35 U.S.C. §119(e) to U.S. Provisional Application  
 No. \_\_\_, filed \_\_\_, the entire content of which is hereby incorporated by reference.

4. ☐ Please amend the specification by inserting before the first heading the following paragraph:

This application claims priority under 35 U.S.C. §120 to U.S. Patent Application No. \_\_\_,  
 filed \_\_\_, the entire content of which is hereby incorporated by reference.

5. The filing fee has been calculated as follows ☐ and in accordance with the enclosed preliminary amendment:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00
Total Claims	56	- 20 =	36	x \$18.00	648.00
Independent Claims	3	- 3 =	0	x \$84.00	0.00
If multiple dependent claims are presented, add \$280.00					0.00
Total Application Fee					1388.00
If an Assertion of Entitlement to Small Entity Status is enclosed, subtract 50% of Total Application Fee					694.00
Other fees: Assignment Recordation fee					40.00
<b>TOTAL FEE DUE</b>					<b>734.00</b>

- ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
- ☒ A check for the total fee is attached.
- ☐ Please charge \$\_\_\_ to Deposit Account No. 50-1283 for the total fee. This paper is being submitted in duplicate.

[x] The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

6. Please direct all correspondence concerning this application to:

COOLEY GODWARD LLP  
ATTN: Patent Group  
One Freedom Square  
Reston Town Center  
11951 Freedom Drive  
Reston, VA 20190-5601  
Tel: (703) 456-8000  
Fax: (703) 456-8100


CUSTOMER NUMBER: **022903**

Dated: November 15, 2001

Cooley Godward LLP  
ATTN: Patent Group  
One Freedom Square  
Reston Town Center  
11951 Freedom Drive  
Reston, VA 20190-5601  
Tel: (703) 456-8000  
Fax: (703) 456-8100

By:

Respectfully submitted,  
COOLEY GODWARD LLP

  
Christopher R. Hutter  
Reg. No. 41,087